

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Ronnie McCray, #244124,

Plaintiff,

VS.

Director Jon Ozmint; Warden George Hagan; Sgt. Carlos Marshall; Sgt. James Mosely; Sgt. James Rumph; Sgt. D. McKnight; Officer Timmy Smith; Officer P. Rivers; Officer Richard Jenkins; Officer Mattie Edwards; Officer Corey Johnson, each are sued in their individual and official capacities as state employees,

Defendants.

Civil Action No. 6:07-1638-CMC-WMC

REPORT OF MAGISTRATE JUDGE

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On November 1, 2007, defendants Ozmint, Hagan, Rumph, McKnight, Rivers, Jenkins, Edwards, and Johnson filed a motion for summary judgment. On November 2, 2007, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. Also on November 2, 2007, the court filed a separate order giving the plaintiff through November 28, 2007, to provide more accurate addresses for defendants Mosely and Smith.

When the plaintiff failed to respond to either order, the court filed an order on January 9, 2008, giving the plaintiff through February 1, 2008, to file his response to the motion for summary judgment and provide the requested addresses. The plaintiff was

specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. Despite this explanation, the plaintiff has elected not to respond.

As the plaintiff has repeatedly failed to respond to the court's orders, it appears he no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

s/William M. Catoe
United States Magistrate Judge

February 12, 2008

Greenville, South Carolina